

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 8/17/11

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEPHEN CARB AS TRUSTEE OF  
LOLLYTOGS, INC TRUST,

Docket No. 09-CV-2980 (RMB)(KMF)

Plaintiff,  
-against-

**STIPULATION**

LINCOLN BENEFIT LIFE COMPANY,

Defendant.

-----X

WHEREAS at all relevant times herein Plaintiff Stephen Carb as Trustee of Lollytogs, Inc. Trust ("Carb") was the beneficiary of a life insurance policy issued by Defendant Lincoln Benefit Life Company, Inc. ("Lincoln") and issued to Samuel Gindi ("Gindi"), bearing policy number 01T1133155 insuring his life in the amount of \$3 million; and

WHEREAS at all relevant times herein Carb was the beneficiary of a life insurance policy issued by Lincoln and issued to Gindi bearing policy number 01T112550 insuring his life in the amount of \$26 million (collectively the "subject policies"); and

WHEREAS Gindi is desirous of changing the beneficiary of the subject policies from Stephen Carb as Trustee of Lollytogs, Inc. Trust to G Investors Holding LLC ("Investors"); and

WHEREAS Carb and Investors have filed the requisite forms with Lincoln to change the beneficiary of the subject policies from Carb to Investors; and

WHEREAS Lincoln has informed Carb that it has no objection to changing the beneficiary from Carb to Investors; and

WHEREAS it has been agreed that the same counsel representing Carb in this above-captioned litigation will continue to represent the interests of the beneficiaries of the subject policies and thereby will be representing Investors as successors to Carb in the above-captioned

litigation; and

WHEREAS counsel for Lincoln has agreed to amend the caption of this action to read as follows:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

G INVESTORS HOLDING LLC  
as successors in interest to  
STEPHEN CARB AS TRUSTEE OF  
LOLLYTOGS, INC. TRUST

Plaintiff,

-against-

LINCOLN BENEFIT LIFE COMPANY, INC.,

Defendant.

-----X

and;

WHEREAS counsel for both parties agree that the transfer of the beneficiary from Carb to Investors is not intended to change, alter or modify any of the claims or defenses in this action and/or the issues to be determined; and

IT IS HEREBY AGREED AND STIPULATED by and between counsel for the parties that the caption of this action be amended as set forth above; and

IT IS FURTHER STIPULATED that all previous directives of this Court issued to "Plaintiff," including the Court's Order, dated September 11, 2009, be binding upon Investors as

if it was the Plaintiff in the action at the time that the Order was issued.

Dated: August 15, 2011

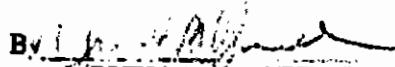
WEG AND MYERS, P.C.,  
*Attorneys for Outgoing Plaintiff*  
Stephen Carb as Trustee of Pollytogs, Inc. Trust  
*And Incoming Plaintiff of Investors Holding LLC*

By

DENNIS T. D'ANTONIO (DD-0973)  
WEG AND MYERS, P.C.  
Federal Plaza  
52 Duane Street, 2<sup>nd</sup> Floor  
New York, NY 10007  
(212) 227-4210

SEYFARTH SHAW, LLP  
*Attorneys for Defendant*  
LINCOLN BENEFIT LIFE COMPANY, INC.

By

  
RICHARD M. REBSNIK (RR-1407)  
SEYFARTH SHAW, LLP  
620 Eighth Avenue  
New York, New York 10018  
(212) 218-5500

SO ORDERED:

Richard M. Berman  
U.S.D.J.

Dated:  
8/16/11